

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
WHITE PLAINS DIVISION**

STUDENTS FOR FAIR ADMISSIONS

Plaintiff,

v.

UNITED STATES MILITARY ACADEMY AT WEST POINT; THE UNITED STATES DEPARTMENT OF DEFENSE; LLOYD AUSTIN, in his official capacity as Secretary of Defense; CHRISTINE WORMUTH, in her official capacity as Secretary of the Army; LIEUTENANT GENERAL STEVEN GILLAND, in his official capacity as Superintendent of the United States Military Academy; and LIEUTENANT COLONEL RANCE LEE, in his official capacity as Director of Admissions for the United States Military Academy at West Point,

Defendants.

No. 7:23-cv-08262

**NOTICE OF MOTION FOR
PRELIMINARY INJUNCTION**

Per Federal Rule of Civil Procedure 65, Plaintiff Students for Fair Admissions (“SFFA”) moves for a preliminary injunction against Defendants United States Military Academy at West Point, the United States Department of Defense, Lloyd Austin, in his official capacity as Secretary of Defense, Christine Wormuth, in her official capacity as Secretary of the Army, Lieutenant General Steven Gilland, in his official capacity as Superintendent of the United States Military Academy, and Lieutenant Colonel Rance Lee, in his official capacity as Director of Admissions for the United States Military Academy at West Point (collectively “Defendants”). Plaintiff requests an injunction prohibiting Defendants from considering applicants’ race when making admissions decisions.

Plaintiff’s motion is based on the accompanying memorandum of law, supporting declarations, and exhibits. SFFA is entitled to a preliminary injunction because it has shown “(a) irreparable harm and (b) either (1) likelihood of success on the merits, or (2) sufficiently serious

questions going to the merits to make them a fair ground for litigation and a balance of hardships tipping decidedly toward the party requesting the preliminary relief.” *Citigroup Glob. Markets, Inc. v. VCG Special Opportunities Master Fund Ltd.*, 598 F.3d 30, 35 (2d Cir. 2010).

Dated: September 19, 2023

Respectfully submitted,

s/ Thomas R. McCarthy

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Counsel for Students for Fair Admissions

CERTIFICATE OF SERVICE

I certify that on September 19, 2023, I electronically filed the foregoing with the Clerk of the Court using the Court’s ECF system, which will automatically send email notification to all counsel of record. I am also serving the foregoing by certified mail, return receipt requested, to the addresses below:

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606 Thayer Rd, West Point, NY 10996

United States Department of Defense
1400 Defense Pentagon Washington, DC 20301-1400

Hon. Lloyd J. Austin III
Secretary of Defense
United States Department of Defense

1400 Defense Pentagon Washington, DC 20301-1400

Hon. Christine Wormuth
Secretary of the Army
Department of the Army
101 Army Pentagon, Washington, DC 20310-0101

LTG Steven Gilland
Superintendent, United States Military Academy at West Point
United States Military Academy at West Point
606 Thayer Rd, West Point, NY 10996

LTC Rance Lee
Director of Admissions, United States Military Academy at West Point
United States Military Academy at West Point
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s/ Thomas R. McCarthy